Supreme Court, U. S.
FILED
DEC 16 1974
MICHAEL RODAK, JR., CLERK

APPENDIX

In the Supreme Court of the United States

OCTOBER TERM, 1974

No. 73-6739

STEVEN COSTARELLI, APPELLANT

v.

MASSACHUSETTS, APPELLEE

APPEAL FROM THE MUNICIPAL COURT OF THE CITY OF BOSTON

FILED MAY 20, 1973
PROBABLE JURISDICTION NOTED OCTOBER 21, 1974

In the Supreme Court of the United States

OCTOBER, 1974

No. 73-6739

STEVEN COSTARELLI, APPELLANT

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APPEAL FROM THE MUNICIPAL COURT OF THE CITY OF BOSTON

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CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES

January 23, 1974—Complaint Issued in Municipal Court for the City of Boston.
January 23, 1974—Defendant pleaded not guilty.
February 6, 1974—Motion for Jury Trial filed.
February 27, 1974—Trial on complaint.
February 27, 1974—Motion for Jury Trial denied.
February 27, 1974—Defendant found guilty and sentenced to one year in House of Correction.
February 27, 1974—Defendant exercised his right of appeal for a trial de novo in the Superior Court.
May 20, 1974[1]—Notice of Appeal to United States Supreme Court filed.

[1] This is an approximate date as no date of receipt is recorded in the records of the Boston Municipal Court for the City of Boston.

3 TO THE JUSTICES OF THE MUNICIPAL COURT OF THE CITY OF BOSTON, holden at said City of Boston for the transaction of criminal business, within the County of Suffolk, Richard Tracy of the City of Boston in the County of Suffolk, in behalf of the COMMONWEALTH OF MASSACHUSETTS, on oath complains that Steven Costarelli of said City of Boston, on the twenty seventh day of November in the year of our Lord one thousand nine hundred and seventy-three at the City of Boston aforesaid, and within the judicial district of said Court, upon a certain public way there situate called Albany Street, (Emergency Parking Lot of the Boston City Hospital) did then and there use a certain motor-vehicle, to wit, an automobile the property of Leroy Taylor, the said Costarelli then and there well knowing such use of said automobile by him said Costarelli to be unauthorized against the peace of said Commonwealth and the form of the statute in such case made and provided.

(S) RICHARD TRACY

SUFFOLK. TO WIT:

TAKEN AND SWORN TO, this twenty-third day of January in the year of our Lord one thousand nine hundred and seventy-four.

BEFORE SAID COURT.

(S) JOHN P McCOOLE.
Assistant Clerk.

4 Commonwealth of Massachusetts

SUFFOLK, ss: BOSTON MUNICIPAL COURT # -- CRIMINAL

(Unauthorized use of auto Ch. 90, Sec. 24,
trial date Feb. 6, 1974)

COMMONWEALTH OF MASSACHUSETTS

v.

STEVEN COSTARELLI

MOTION FOR JURY TRIAL

Now comes the defendant and moves this court for a trial by jury in the first instance, a right guaranteed by the Sixth Amendment to the Constitution, *Callan* v. *Wilson*, 117 U.S. 540, *Duncan* v. *Louisiana*, 391 U.S. 145, fn. 30; and a right guaranteed by the speedy trial provision of the Sixth Amendment, *Klopfer* v. *North Carolina*, — U.S. ——, *Holliday* v. *State*, 280 A. 2d 333; and a right guaranteed under the double jeopardy provisions of the Fifth Amendment, *Benton* v. *Maryland*, 89 S. Ct. 2056, *United States* v. *Jorn*, 400 U.S. 470.

By his attorney,

ROBERT W. HAGOPIAN, *Esq.*,
Wrentham, Mass. 02093.

Clerk's Note:

The following stamps appear on the back of the original paper:

Feb 6 9:28 A.M. '74
Feb 27 1974 Motion Denied

5 1974 493

Commonwealth

On Complaint of

Richard Tracy

v.

Steven Costarelli

February 27, 1974

Motion Denied

FOUND GUILTY

House of Correction 1 [year] N.R.A.

Appeal $100 Sup. Ct.

1st. Monday of March

DeGuglielmo

6 Commonwealth of Massachusetts

SUFFOLK, ss

MUNICIPAL COURT OF
THE CITY OF BOSTON
CRIMINAL 493

COMMONWEALTH OF MASSACHUSETTS

v.

STEVEN COSTARELLI

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Notice is hereby given that Steven Costarelli, the appellant above named hereby appeals to the Supreme Court of the United States from the conviction of the Municipal Court of the City of Boston on February 27, 1974. This appeal is taken pursuant to 28 U.S.C. Sec. 1257(2).

By his attorney,

ROBERT W. HAGOPIAN, *Esq.*,
Wrentham, Mass. 02093.

CERTIFICATE OF SERVICE

Now comes Robert W. Hagopian, Esq., and certifies that he has served a copy of the above Notice of Appeal on Arthur Murphy, Boston Police Prosecutor, by mailing a copy of same first class, postage prepaid, Boston Police
77 Department Station Four, Berkeley Street, Boston on May 16, 1974.

ROBERT W. HAGOPIAN, *Esq.*,
Wrentham, Mass. 02093.

Supreme Court of the United States

No. 73–6739

STEVEN COSTARELLI, *Appellant*

v.

MASSACHUSETTS

APPEAL from the Municipal Court of the City of Boston of the Commonwealth of Massachusetts.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits.

October 21, 1974.

U.S. GOVERNMENT PRINTING OFFICE 1974